

RECORD OF PROCEEDINGS

CALL TO ORDER	A regular meeting of the Council Bluffs City Council was called to order by Mayor Thomas P. Hanafan at 7:00 p.m. on Monday, March 24, 2008.
ATTENDANCE	Council Members present: Darren Bates, Scott Belt, Lynne Branigan, Matt Schultz and Matt Walsh. Staff present: Richard Wade, City Attorney and Marcia L. Worden, Deputy City Clerk.
CONSENT AGENDA	Belt and Branigan moved and seconded amending the Consent Agenda by deleting Item 3D; deleting from the Agenda 5C and taking action on Item 7O after Item 7A. Unanimous.
PUBLIC HEARINGS Resolution 08-80	Held Public Hearing regarding Resolution 08-80, authorizing the Mayor to submit application for FY2009 State Transit Assistance. Belt and Branigan moved and seconded approval of Resolution 08-80. Unanimous.
Resolution 08-81	Held Public Hearing regarding Resolution 08-81, authorizing disposal of City property legally described as the west ½ of Lot 4, Block 13, Grimes Addition. Heard from John Bogdan, 1609 3 rd Avenue speaking against the disposal of City property. City Attorney Wade indicated the condemnation process would be reviewed regarding 924 Avenue C. Bates and Belt moved and seconded continuance of Public Hearing regarding Resolution 08-81. Unanimous.
Resolution 08-82	Held Public Hearing regarding Resolution 08-82, approving the plans, specifications, form of contract for Mid-City Trail Grading, Phase I and directing the City Clerk to advertise for bids setting April 17, 2008 at 2:00 p.m. as the date and time for bid opening. Belt and Walsh moved and seconded approval of Resolution 08-82. Unanimous.
Resolution 08-83	Held Public Hearing regarding Resolution 08-83, approving plans, specifications, form of contract and cost estimate for the Broadway Streetscape – Phase I, also called (Downtown Streetscape – Phase VII-Broadway) FY09-09. Heard from Deborah Petersen, Attorney, 215 South Main Street, speaking in favor of the project and representing the Omni Center; also heard from Diane Stein with Custom Threads, 132 West Broadway; and Pam Minor with Beauty on Broadway, 134 West Broadway. Branigan and Walsh moved and seconded approval of Resolution 08-83. Unanimous.
Resolution 08-84	Held Public Hearing regarding Resolution 08-84, approving plans, specifications, form of contract and cost estimate for the Public Works Fleet Maintenance Facility, FY08-36. Walsh and Belt moved and seconded approval of Resolution 08-84. Unanimous.
ORDINANCES ON FIRST READING Ordinance 5978	Walsh and Schultz moved and seconded denying Ordinance 5978, amending Chapter 3.08 “Beer and Liquor Control” of the 2005 Municipal Code, by amending Section 3.08.045 “Exceptions to Section 3.08.040(5)” to include provisions for special events in City parks or held on City property pursuant to the City authorized Special Event Application. Heard from Jared Swan, 13110 Birch Drive, Omaha, in favor of Ordinance. Unanimous.
Ordinance 5979	Belt and Branigan moved and seconded the introduction of Ordinance 5979, setting a Public Hearing at 7:00 p.m. on April 14, 2008 to consider amending the zoning map, by changing the district designation of certain grounds located at 1500 North Broadway from its present designation as R-1/Single

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Family Residential to R-3/Low Density Multi-Family with a Planned Residential Overlay. Unanimous.

Ordinance 5981

Branigan and Belt moved and seconded introduction of Ordinance 5981, setting Public Hearing at 7:00 p.m. on April 14, 2008 to consider amending the zoning map, by changing the district designation of certain grounds located at 427 21st Avenue from its present designation as R-2/Two Family Residential to C-2/Commercial. Unanimous.

Ordinance 5982

Branigan and Walsh moved and seconded introduction of Ordinance 5982, setting Public Hearing at 7:00 p.m. on April 14, 2008 to consider amending the zoning map, by changing the district designation of certain grounds consisting of approximately 424 acres in five tracts of land which were recently annexed, located directly east of the MidAmerican Energy Plant. Unanimous.

**Ordinances
5983 - 5993**

Belt moved and noted the following changes were mandated by the State, Bates seconded introduction of Ordinances 5983 thru Ordinance 5993, amending portions of Title 13 of the 2005 Municipal Code as follows:

- 1) Ordinance 5983, entitled "Buildings and Construction", Chapter 13.07 entitled "General Contractor's Registration" by amending Section 13.07.120c entitled "License – Generally";
- 2) Ordinance 5984, entitled "Buildings and Construction" Chapter 13.09 entitled "Mechanical Code" by amending Section 13.09.060 entitled "Section 106.4.7 added – Mechanical Permits issued to";
- 3) Ordinance 5985, entitled "Buildings and Construction" Chapter 13.10 which is entitled "Licensing of the Mechanical Trade", by amending Section 13.10.070(b) entitled "Licensing – Generally";
- 4) Ordinance 5986, entitled "Buildings and Construction" by repealing in its entirety Chapter 13.10 which was entitled "Licensing of the Mechanical Trade";
- 5) Ordinance 5987, entitled "Buildings and Construction" by repealing in its entirety Chapter 13.11 entitled "Registration of the Fire Sprinkler Trade";
- 6) Ordinance 5988, entitled "Buildings and Construction" Chapter 13.12 entitled "Plumbing Code" by adding Section 13.12.055 entitled "Plumbing Permits issued to";
- 7) Ordinance 5989, entitled "Buildings and Construction" Chapter 13.13 entitled "Licensing/Registration of the Plumbing Trade" by amending Sections 13.13.010 and 13.13.030 and repealing Section 13.13.020 and parts of Section 13.13.180 through Section 13.13.410;
- 8) Ordinance 5990, amending Title 13 "Buildings and Construction", by amending Chapter 13.13 entitled "Licensing/Registration of the Plumbing Trade" to be changed to "Plumbing Board of Appeals";
- 9) Ordinance 5991, entitled "Buildings and Construction" by amending Chapter 13.13 entitled "Licensing/Registration of the Plumbing Trade" to repeal Section 13.13.180 through Section 13.13.420;
- 10) Ordinance 5992, entitled "Buildings and Construction" Chapter 13.16 entitled "Electrical Code" by adding Section 13.16.165 to be entitled "Electrical Permits issued to";
- 11) Ordinance 5993, entitled "Buildings and Construction" Chapter 13.21 entitled "Property Maintenance Code" by amending Section 13.21.065 entitled "Swimming Pools, Spas and Hot Tubs Enclosures". Unanimous.

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ORDINANCES ON SECOND READING Ordinances 5970 - 5977

Branigan and Walsh moved and seconded approval of Ordinance 5970 thru Ordinance 5977, amending Chapter 1.40 "Council Bluffs Civil Rights Commission" as follows:

- 1) Ordinance 5970, by repealing Section 1.40.010 "Purposes", and enacting a new Section 1.40.010 "Purposes";
- 2) Ordinance 5971, by repealing Section 1.40.030 "Definitions", and enacting a new Section 1.40.030 "Definitions";
- 3) Ordinance 5972, by repealing Section 1.40.060 "Powers and duties" and enacting a new Section 1.40.060 "Powers and duties";
- 4) Ordinance 5973, by repealing Section 1.40.080 "Unfair employment practices" and enacting a new Section 1.40.080 "Unfair employment practices";
- 5) Ordinance 5974, by repealing Section 1.40.090 "Unfair practices – Accommodations or services" and enacting a new Section 1.40.090 "Unfair practices – Accommodations or services";
- 6) Ordinance 5975, by repealing Section 1.40.100 "Unfair or discriminatory practices – Housing" and enacting a new Section 1.40.100 "Unfair or discriminatory practices – Housing";
- 7) Ordinance 5976, by repealing Section 1.40.110 "Unfair credit practices" and enacting a new Section 1.40.110 "Unfair credit practices";
- 8) Ordinance 5977, by repealing Section 1.40.140 "Retaliation" and enacting a new Section 1.40.140 "Retaliation".

VOICE VOTE: 4 Aye; 1 Nay (Schultz). Walsh and Branigan moved and seconded waiving third reading.

VOICE VOTE: 4 Aye; 1 Nay (Schultz).

RESOLUTIONS: Resolution 08-41

Belt and Walsh moved and seconded approval of Resolution 08-41, granting easement and conveyance of certain property rights in the South Main Street right-of-way adjacent to Lot 3, Block 9, Bayliss 1st Addition. Unanimous.

Resolution 08-92

Belt and Walsh moved and seconded approval of Resolution 08-92, establishing the monetary compensation for granting an easement and conveying certain property rights in the South Main Street right-of-way adjacent to Lot 3, Block 9, Bayliss 1st Addition, as approved by Resolution 08-41 on March 24, 2008. Unanimous.

Resolution 08-44

Walsh and Schultz moved and seconded approval of Resolution 08-44, establishing the monetary compensation for granting an easement and conveyance of certain property rights in the Pearl Street right-of-way adjacent to Lot 3, Block 9, Bayliss 1st Addition, as approved by Resolution Number 08-20 on January 28, 2008. Unanimous.

Resolution 08-75

Belt and Bates moved and seconded approval of Resolution 08-75, fixing date for a meeting at 7:00 p.m. on April 14, 2008, on the proposition of the issuance of not to exceed \$6,610,000 General Obligation Bonds, Series 2008 (for an essential corporate purpose) and providing notice of publication. Unanimous.

Resolution 08-76

Bates and Belt moved and seconded approval of Resolution 08-76, fixing date for a meeting at 7:00 p.m. on April 14, 2008, on the proposition of the issuance of not to exceed \$255,000 of General Obligation Bonds, Series 2008 (for a general corporate purpose) and providing notice of publication. Unanimous.

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- Resolution 08-77** Belt and Bates moved and seconded approval of Resolution 08-77, fixing date for a meeting at 7:00 p.m. on April 14, 2008, on the proposition of the issuance of not to exceed \$105,000 of General Obligation Bonds, Series 2008 (for a general corporate purpose) and providing for publication of notice. Unanimous.
- Resolution 08-78** Belt and Walsh moved and seconded approval of Resolution 08-78, fixing date for a meeting at 7:00 p.m. on April 14, 2008, on the proposition of the issuance of not to exceed \$600,000 of General Obligation Bonds, Series 2008 (for a general corporate purpose) and providing for publication of notice. Unanimous.
- Resolution 08-79** Branigan and Belt moved and seconded approval of Resolution 08-79, fixing date of a meeting at 7:00 p.m. on April 14, 2008, on the proposition of the issuance of not to exceed \$430,000 General Obligation Bonds, Series 2008 (for an essential corporate purpose) and providing for publication of notice. Unanimous.
- Resolution 08-85** Walsh and Branigan moved and seconded approval of Resolution 08-85, authorizing the Mayor to execute a contract with HDR Engineering, Inc. for professional engineering, consulting and related services for the Playland Park project.
VOICE VOTE: 4 Aye; 1 Nay (Belt).
- Resolution 08-86** Belt and Walsh moved and seconded approval of Resolution 08-86, authorizing the Mayor and City Clerk to execute an agreement with Godbersen-Smith Construction Co. for the Parkwood Circle Structure over Indian Creek, FY08-06B. Unanimous.
- Resolution 08-87** Walsh and Belt moved and seconded approval of Resolution 08-87, authorizing the Mayor and City Clerk to execute an agreement with J & K Contracting, LLC for the South 32nd Street Sanitary Sewer Improvements, FY08-05D. Unanimous.
- Resolution 08-88** Branigan and Walsh moved and seconded approval of Resolution 08-88, authorizing the Mayor to execute the Order Assessing Penalty for first violation against No Frills Supermarket, 1817 West Broadway, for violating the State's tobacco laws. Unanimous.
- Resolution 08-89** Branigan and Walsh moved and seconded approval of Resolution 08-89, authorizing the Mayor to execute an agreement between the City of Council Bluffs and the Council Bluffs Chamber of Commerce for the operation of a Convention and Visitor's Bureau. Unanimous.
- Resolution 08-90** Belt and Walsh moved and seconded approval of Resolution 08-90, to create and amend some of the fees currently appearing in the City's Schedule of Fees for Title 13 of the 2005 Municipal Code. Unanimous.
- Resolution 08-91** Walsh and Branigan moved and seconded approval of Resolution 08-91, directing the Mayor and City Clerk to award the 18 gallon curbside recycling bin bid to Rehrig Pacific. Branigan mentioned the new recycling booklets went out; pointing out more information would be forth coming regarding the City's curbside recycling program. Heard from Ron Cleveland, 128 Charles Park Drive, who voiced concerns with the curbside pickup schedule and the type of curbside recycling containers. Unanimous.

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RECEIVE AND FILE ITEMS

Belt and Walsh moved and seconded approval of Receive and File Items 8A – 8E. Unanimous.

APPLICATIONS FOR PERMITS & CANCELLATIONS

Walsh and Bates moved and seconded approval of permits for Items 10A–1, Islamorada Fish Company and 10A-2, Ruby Tuesday. Unanimous.

CITIZENS REQUESTS TO BE HEARD

Mike Collins, 520 21st Avenue speaking in favor of the rezoning regarding Ordinance 5981.

Council Member Schultz and Bates moved and seconded directing Mayor and staff to forward to the Planning Commission a change to Title 15, Section 5.23.075 of the 2005 Municipal Code, an "Automobile Dealership Exemption". Unanimous.

Ron Cleveland, 128 Charles Park Drive, regarding the Aquila franchise and the Iowa West Foundation. Branigan and Walsh moved and seconded to receive and file a document into record from Mr. Cleveland. Unanimous.

John Bogdan, 1609 3rd Avenue, concerning a proposal with regards to property at 924 Avenue C. City Attorney Wade, noted the process would be reviewed and for Mr. Bogdan to contact the Legal Department.

ADJOURNMENT

Schultz and Bates moved and seconded adjournment at 8:07 p.m. Unanimous.

The tape recording of this proceeding, though not transcribed, is part of the record of each respective action of the Council. The tape recording of this proceeding is incorporated into these official minutes of this Council meeting as if they were transcribed herein.

Thomas P. Hanafan, Mayor

ATTEST:

Marcia L. Worden, Deputy City Clerk